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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/347,069 07/02/99 KORMAN

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EXAMINER

MM91/0112

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ART UNIT

PAPER NUMBER

2876

DATE MAILED:

01/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/347,069

Applicant(s)
Korman

Examiner
Karl D. Frech

Group Art Unit
2876



☒ Responsive to communication(s) filed on Oct 18, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-68 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-35, 48-53, and 59-68 is/are allowed.

☒ Claim(s) 36-47 and 54-58 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The amendment filed October 18, 2000 has been entered as paper number 13. By this paper, claims 45, 54-56, 58 and 62 have been amended and claims 64-68 have been added.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim 54-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Daly et al 5,878,141. Daly discloses in column 6 lines 56+ a transaction system where a purchaser terminal is networked to a centrally located transaction processing unit. These are connected via a network to a plurality of merchant/service provider servers. That is, Daly discloses that a transaction terminal is connected to a host which in turn is networked to a plurality of destination computers. It is inherent that there is an interface and appropriate communication protocols between the computers of the network. It is disclosed in column 7 that the merchant/service providers may be banking and non banking entities, including credit card companies.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al 5,878,141. Daly discloses the system as seen above. Daly also discloses input of proper identification into the purchaser computer in column 8. Columns 7 and 8 also disclose the method of use of this system as currently claimed. Daly does not specifically disclose the asynchronous communication. Asynchronous communications between networked computers is old and well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to asynchronously communicate between the host of Daly and the plurality of merchant/service provider computers. This would allow for more efficient communication between the computers and therefore more rapid transaction processing time.

6. Claims 33,36-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al 5,878,141 in view of known prior art. Daly discloses the invention as seen above, Daly does not specifically disclose the multimedia dispenser as claimed. Personal computers connected to an Internet host are old and well known. Also, downloading multimedia formatted files over the

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Internet is old and well known. Also, it is old and well known to save these multimedia files onto a removable disk, such as a 3.5 floppy or a ZIP disk, i.e. multimedia dispensing. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a PC in the system of Daly. This would allow for home shopping and home banking.

7. Claims 1-33,48-53 are allowable over the prior art of record for the same reasons as previously set forth. In light of applicant's arguments of paper 13, claims 34 and 35 are allowable as the prior art of record fails to teach or fairly suggest the multimedia dispensing as claimed along with all the other limitations of those claims, as defined by the specification. Also in light of the applicant's arguments of paper 13, claims 59-63 and new claims 64-68 are allowable over the prior art of record as the prior art of record fails to teach or fairly suggest the parsing feature as claimed along with all the other limitations of those claims as defined by the specification.

REMARKS

8. Applicant's arguments filed October 18, 2000 have been fully considered but they are not persuasive.

9. The applicant offers a summary the current invention in pages 5 and 6 of paper 13. The applicant offers a summary of Daly on pages 7 and 8. Applicant argues that Daly does not disclose any communication links between the server and external systems. The examiner disagrees. Figure 1 clearly shows a network system between a central computer and peripheral processors. The communication link is inherent. Applicant further argues that an entire purchase transaction is within a head end server and thus no communication is disclosed between the head

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end server and any destination computers. Again the examiner disagrees as Figure 3 of Daly clearly shows communication lines between the head end server and peripheral processors.

10. The applicant argues that Daly does not show the two way communications. The examiner disagrees. Again as seen in figure 3 and its description, communication means is shown between the head end server and the peripheral devices which allows for the head end and peripherals to transmit and receive from each other. Further, the current application discloses use of standard phone lines for communication means. The applicant argues that “asynchronous” as currently claimed is different from the common “asynchronous” as known in the art. Upon review of the current application’s original specification, the examiner can find no support for this argument as on page 5 lines 19+ of the current specification it is disclosed that “synchronous or asynchronous communications between the client and the host over standard telephone, digital, leased”. The examiner can find no other discussion regarding any alternate method of asynchronous communication.

11. The applicant argues that claim 36 (and its dependents) should be allowable as the examiner acknowledged that the “prior art fails to teach or suggest a transaction terminal which in itself formats for and directly communicates with a plurality of service provider computers...”. The examiner disagrees. The examiner acknowledges that the above quote comes directly from the examiner’s reasons for allowance as seen in the previous office action. However, the above quote is incomplete. It was the elements as stated in the above quote, **with all the other limitations of the previously allowed claims** which was stated as the reasons for allowance.

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Current claim 36 does not contain all the limitations of the previously allowed claims. Thus, this argument is non persuasive.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Frech whose telephone number is (703) 305-3491. The examiner's supervisor is Michael Lee whose telephone number is (703)305-3503. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703)308-0956. The Tech Center fax number is (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [karl.frech@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

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includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

A handwritten signature in black ink, appearing to read 'Karl D. Frech', with a stylized, flowing script.

Karl D. Frech
Primary Examiner, AU 2876
January 10, 2001